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FRANK J. UXA, JR.\*  
ROBERT D. BUYAN\*  
DONALD E. STOUT  
KENTON R. MULLINS  
LINDA ALLYSON FOX  
JENNIFER K. ROSENFELD\*\*

LAW OFFICES OF  
STOUT, UXA, BUYAN & MULLINS, LLP

4 VENTURE, SUITE 300  
IRVINE, CALIFORNIA 92618  
(949) 450-1750  
FACSIMILE: (949) 450-1764

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OF COUNSEL:  
CARLOS A. FISHER

\*PROFESSIONAL CORPORATION  
\*\*ADMITTED IN MASSACHUSETTS -  
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OUR FILE NO.

CRICP-001A

## FACSIMILE COVER SHEET

Date: October 5, 2006

To: Commissioner for Patents  
Alexandria, VA 22313-1450

Facsimile: 571-273-8300

Re: U.S. Patent Application No. 10/072,926  
Filed: 09/26/2003  
Inventor(s): Xiang Feng Dai (deceased)  
Art Unit: 1724  
Examiner: Lawrence, F.

From: Robert D. Buyan, Esq.

Total No. of Pages: 8 (including this form). Please notify us immediately if you have not received all pages.

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Attached: Request for Reconsideration of Petition under 37 C.F.R. §1.47(b) (2 pgs.)  
Copy of Decision Refusing Status under 37 CFR 1.47(b) (3 pgs.)  
Declaration of Inventorship and Limited Power of Attorney (2 pgs.)

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## CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. § 1.8(a)(1)(B))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted by facsimile to the United States Patent and Trademark Office at (571) 273-8300 on October 5, 2006.

By:

Nancy McElrath

Atty. Docket CRICP-001A

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Xiang Feng Dai  
(Deseased)

672 PF

Serial No.: 10/072,926

Filed: September 26, 2003

For: Moving Bed Adsorber / Desorber and Low  
Flow (High Yield) Desorber Devices and Their  
Methods of Use

Art Unit: 1724

Examiner: Lawrence, F.

Petitions Attorney: Congo, C.

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. §1.47(b)

Applicant hereby requests reconsideration of the Decision Refusing Status Under 37 C.F.R. §1.47(b) dated May 5, 2006, a copy of which is enclosed herewith.

In the decision, the petitions examiner indicated that the only remaining item required for the petition to be grantable is an oath or declaration signed by the Rule 47(b) applicant.

Enclosed herewith is a copy of the declaration of inventorship listing the citizenship, last known residence and last known mailing address of the legal representative and including a signature by the attorney for the Rule 47(b) applicant. A

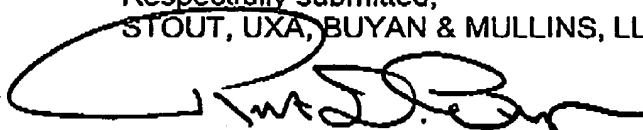
brief statement of the Rule 47(b) Applicant's relationship to the deceased inventor is included on the enclosed declaration and further details of such relationship were previously submitted in various other documents in support of this petition including the Declarations of Andrew Solomon and Robert D. Buyan.

It is believed that all requirements for granting of the petition under 37 C.F.R. §1.47(b) have now been met. Granting of the instant petition is respectfully requested.

If for any reason this petition is not deemed grantable based on this reply it is requested that the Petitions Examiner telephone Applicant's undersigned attorney to discuss any further measures that may be taken in order to place this petition in condition to be granted.

A three (3) month extension is hereby requested under 37 C.F.R. §1.136. The Commissioner is authorized to deduct the small entity fee for such extension as well as any other fee properly deemed to be due in connection with this filing from Deposit Account No. 50-0878.

Respectfully submitted,  
STOUT, UXA, BUYAN & MULLINS, LLP



Robert D. Buyan, Reg. No. 32,460

Date: October 5, 2006

4 Venture, Suite 300  
Irvine, California 92618  
voice: 949/450-1750  
fax: 949/450-1764



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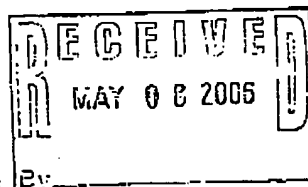
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ROBERT D BUYAN  
STOUT UXA BUYAN & MULLINS LLP  
4 VENTURE  
SUITE 300  
IRVINE CA 92618

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MAY 05 2006

OFFICE OF PETITIONS

*Response Due 7/5/06*In re Application of  
Xiangfeng Dai  
Application No. 10/672,926  
Filed: September 26, 2003  
Attorney Docket No. CRICP-001ADECISION REFUSING STATUS  
UNDER 37 CFR 1.47(b)This is in response to the "REPLY TO DECISION", filed  
April 6, 2006, which is being treated as a renewed petition under  
37 C.F.R. § 1.47(b).ENTERED  
DATE 5/9/06The renewed petition under 37 C.F.R. § 1.47(b) is DISMISSED.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on September 26, 2003, without an executed oath or declaration. Accordingly, on January 5, 2004, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing, together with the statutory basic filing fee. This Notice set a two-month period for reply.

In reply, applicant filed the a petition on July 12, 2004, and paid both the petition fee, the surcharge for late filing of the declaration, and the statutory basic filing fee. To make timely this reply, applicant included a three month extension of time

Application No. 10/672,926

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and a Certificate of Mailing dated July 6, 2004.<sup>1</sup> However, the petition was dismissed in a decision mailed on February 6, 2006. Rule 47 applicant: (1) failed to show that the legal representative was presented with the application papers; (2) failed to submit a proper oath or declaration; (3) did not provide a statement of the last known address of the legal representative; and (4) did not establish irreparable damage.

With the instant petition, Rule 47 applicant still has not submitted a proper oath or declaration. The declaration is proper in that it identifies the deceased inventor, together with his citizenship and mailing address. The declaration also properly identifies the non-signing legal representative, together with her information. However, the declaration is not signed by the Rule 47(b) applicant. As stated in MPEP 409.03(b):

In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited pursuant to 37 CFR 1.47(b) must meet the following requirements:

(A) The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

(B) The 37 CFR 1.47(b) applicant must state his or her relationship to the inventor as required by 37 CFR 1.64.

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<sup>1</sup> However, as a four month extension of time was necessary, Deposit Account No. 50-0878 was charged the amount of \$265, representing the difference between the \$740 fee for a four month extension of time and the \$475 fee for a three month extension of time (fees in effect on the petition filing date).

Application No. 10/672,926

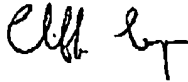
Page 3

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

By FAX: (571)273-8300  
Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

Attorney Docket No. CRICP-001A

**DECLARATION OF INVENTORSHIP and  
LIMITED POWER OF ATTORNEY**

As a below named inventor, I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled "Moving Bed Adsorber/Desorber and Low Flow (High Yield) Desorber Devices and Their Methods of Use," which is described and claimed in Application No. 10/672,926 filed September 26, 2003 for which a patent is sought. My residence, post office address and citizenship are as stated below next to my name.

I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to herein.

I acknowledge my duty under Title 37, Code of Federal Regulations § 1.56(a) to disclose information which is material to the patentability of the invention I am claiming.

☐ I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: 60/424,895, filed November 8, 2002, now [Parent status].

As a named inventor and until I assign my rights to the invention, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith on my behalf: Frank J. Uxa, Reg. No. 25,612; Donald E. Stout, Reg. No. 34,493; Robert D. Buyan, Reg. No. 32,460; Kenton R. Mullins, Reg. No. 36,331; Jo Anne M. Ybaben, Reg. No. 42,243; Linda Allyson Fox, Reg. No. 38,883; Greg S. Hollrigel, Ph.D., Registered Patent Agent, Reg. No. 45,374 and Louise S. Heim, Registered Patent Agent, Reg. No. 32,337, all of the firm STOUT, UXA, BUYAN & MULLINS, LLP. Send correspondence and direct telephone calls to: Robert D. Buyan, Stout, Uxa, Buyan & Mullins, LLP, 4 Venture, Suite 300, Irvine, CA 92618; telephone (949) 450-1750, facsimile (949) 450-1764, email: rbuyan@patlawyers.com.

Attorney Docket No. CRICP-001A

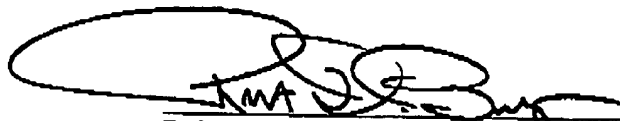
I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

XiangFeng Dai (Deceased), of Bakersfield, California, a citizen of U.S.A. Post office address: 7201 Schirra Ct., Suite E, Bakersfield, CA 93313

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
XiangFeng Dai (Deceased)

By: Dong Dai, Surviving Spouse/Legal Representative  
Residence and Mailing Address: 7201 Schira Ct., Suite E  
Bakersfield, California 93313  
Citizenship: China

The undersigned attorney hereby states that he is authorized to sign this declaration on behalf of TW Environmental, Inc., which is the successor in interest of Chemical Recovery International, Inc., assignee of all right, title and interest in and to United States Patent Application Serial No. 10/672,926 and Applicant under 37 C.F.R. 1.47(b),

  
Robert D. Buyan, Reg. No. 32,460  
Attorney for Rule 47(b) Applicant 10/5/06